

From: [Director Discretionary Decision](#)
To: [Kenneth Darby](#); [Rick Botos](#); [Director Discretionary Decision](#)
Cc: [Ray Churchill](#); [IPR39898-0049IP1](#); [IPR39898-0051IP1](#); [David Hoffman](#)
Subject: RE: IPR2026-00039 (US Patent No. 7,640,332) and IPR2026-00060 (US Patent No. 8370416)
Date: Tuesday, January 27, 2026 8:01:55 AM

Patent Owner is authorized to file a 5-page reply in IPR2026-00039 and IPR2026-00060, due no later than Thursday, January 29, 2026, limited to addressing the arguments raised below. Petitioner is authorized a 5-page sur-reply, due no later than Monday, February 1, 2026.

From: Kenneth Darby <kdarby@fr.com>
Sent: Monday, January 26, 2026 6:10 PM
To: Rick Botos <rbotos@bciplaw.com>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Ray Churchill <rchurchill@bciplaw.com>; IPR39898-0049IP1 <IPR39898-0049IP1@fr.com>; IPR39898-0051IP1 <IPR39898-0051IP1@fr.com>; David Hoffman <Hoffman@fr.com>
Subject: RE: IPR2026-00039 (US Patent No. 7,640,332) and IPR2026-00060 (US Patent No. 8370416)

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To the Director and Members of the Board:

Petitioners were not informed of Patent Owner's briefing request until the email below to the Director. In any event, Petitioners' position is as follows:

Petitioners do not oppose Patent Owner's request for a five-page reply brief to the extent Petitioners are granted a sur-reply brief of equal length in each proceeding.

Respectfully,

Kenneth Darby :: Principal :: Fish & Richardson P.C.
512 226 8126
Counsel for Petitioners

From: Rick Botos <rbotos@bciplaw.com>
Sent: Monday, January 26, 2026 4:15 PM
To: [Director Discretionary Decision@USPTO.gov](#)
Cc: Ray Churchill <rchurchill@bciplaw.com>; IPR39898-0049IP1 <IPR39898-0049IP1@fr.com>; IPR39898-0051IP1 <IPR39898-0051IP1@fr.com>; Kenneth Darby <kdarby@fr.com>; David Hoffman <Hoffman@fr.com>
Subject: IPR2026-00039 (US Patent No. 7,640,332) and IPR2026-00060 (US Patent No. 8370416)

[This email originated outside of F&R.]

To the Director:

In each of the above-captioned IPRs, Patent Owner respectfully requests an opportunity to file a 5-page reply brief in response to Petitioners' Opposition to Patent Owner's Discretionary Denial Brief, as Petitioners' opposition relies heavily on a new stipulation that Patent Owner has not had an opportunity to address.

Patent Owner also writes to advise the Director that, shortly after the filing of Patent Owner Preliminary Response (POPR) in IPR2026-00039 on January 21, 2026, Patent Owner received notice that the Central Reexamination Unit issued a Notice of Intent to Issue an Ex Parte Reexamination Certificate in Control 90/015,497, confirming the patentability of all claims of US Pat. No. 7,640,332 (the patent challenged in IPR2026-00039)

Respectfully submitted,

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